

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RODNEY H. S. KIM,

Petitioner,

v.

UNITED STATES OF AMERICA ,

Respondent.


Case No. C01-5720FDB

ORDER DENYING MOTION FOR  
RECONSIDERATION

By document filed June 8, 2005, Petitioner moves for reconsideration of the Court's Order filed May 17, 2005. Petitioner seeks to have the Court allow him to withdraw his earlier motion that was filed April 1, 2005 [Dkt. # 34], to set a new briefing schedule, to allow Respondents to add to or amend their earlier response so that the Court's record will be procedurally correct. The Court declines to reconsider its earlier order Denying Petitioner's Motion where he sought to amend a petition that had been denied, that constituted a second or subsequent motion under Section 2255 with no certification from the Ninth Circuit; and concluding that Petitioner was not entitled to relief under *United States v. Booker*, 543 U.S. \_\_\_\_ (2005) because that decision should not be applied retroactively.

ACCORDINGLY, IT IS ORDERED: Petitioner's Motion for Reconsideration [Dkt. # 41] is DENIED.

DATED this 20<sup>th</sup> day of June, 2005.

  
FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE